



UNITED STATES DEPARTMENT OF COMMERCE  
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Washington, D.C. 20231

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Washington, DC 20037

In re Application of :  
Michael Reed et al. :  
Serial No. 08/113,955 :  
Deposited: August 31, 1993 : DECISION ON PETITION  
For: MULTIMEDIA SEARCH SYSTEM :

This is a decision on the petition filed October 29, 1993, requesting that the above-identified application be accorded a filing date of August 31, 1993.

The application was deposited on August 31, 1993. However, on September 14, 1993, Application Division mailed a letter requiring page 1 of the specification and stating that the filing date would be the date of receipt of the omitted page. An oath or declaration in compliance with 37 CFR 1.63, \$710.00 for the basic filing fee, \$1,446.00 for additional claims and the \$130.00 surcharge, if necessary, were also required.

In response, on October 29, 1993, the present petition was filed. Petitioners argue, in effect, that page 1 of the specification is not necessary to understand the claimed subject matter. The petition is accompanied by an amendment canceling the incomplete sentence on page 2 of the specification and renumbering the pages present on August 31, 1993

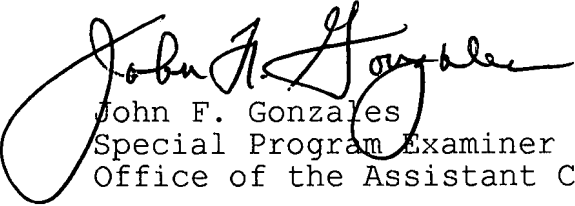
As set forth in MPEP 608.01, an application is considered incomplete, if it omits one or more pages of the specification. Since the application, as deposited, omitted page 1 of the specification, the application is prima facie incomplete in the absence of that page. While the petition argues that the omitted page is unnecessary for an understanding of the claimed subject matter, the petition was not accompanied by an oath or declaration by the inventors as required by MPEP 608.01 at pages 600-28 and 600-29.

At present, the petition is dismissed. However, this decision is made without prejudice to reconsideration upon the filing of a request therefor. If the inventors agree that page 1 is unnecessary for an understanding of their invention, the

application may be accorded a filing date of August 31, 1993, upon the filing of a request for reconsideration, accompanied by an oath or declaration in compliance with 37 CFR 1.63 by the inventors including a statement that their invention is adequately disclosed in, and their wish to rely on, the application as amended on October 29, 1993, without page 1 of the specification for purposes of an original disclosure and filing date.

Alternatively, if the applicants think page 1 is necessary for an understanding of their invention, the page must be filed accompanied by a supplemental oath or declaration by the inventors referring to the specification originally deposited, as amended to include page 1. In this case, the filing date of the application will be the date of receipt of page 1.

A request for reconsideration (no further petition fee is required) as outlined above or page 1 and the supplemental oath or declaration referring to the page must be filed within TWO MONTHS of the date of this decision in order to be considered timely. See 37 CFR 1.181(f). Failure to file a timely response will result in the return of the application to Application Division for processing as an incomplete application under 37 CFR 1.53(c). The response should be directed to the attention of the Office of the Assistant Commissioner for Patents, Crystal Park Building 2, Room 919, Washington, D.C. 20231.



John F. Gonzales  
Special Program Examiner  
Office of the Assistant Commissioner for Patents

JFG